

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
EASTERN DIVISION**

Pursuant to 28 U.S.C. § 636, the Court has reviewed the entire file de novo, including the magistrate judge's report and recommendation, and the objections to the report and recommendation that have been filed herein. The Court agrees with the recommendations of the magistrate judge.

1. The report and recommendation is adopted.

2. Defendant's Motion for Summary Judgment is granted.
3. Judgment shall be entered consistent with this order.
4. The clerk shall serve this order and the judgment on all counsel or parties of record.

DATED: March 1, 2010

ALICEMARIE H. STOTLER  
\_\_\_\_\_  
HONORABLE ALICEMARIE H. STOTLER  
SENIOR UNITED STATES DISTRICT JUDGE\